

1912-07

Sauclanpton County Chancery

Gatling, Hester vs Gatling, Preston

Shore

Gatling, Hester
— W. J. Bee in Chancery
Gatling, Preston

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT
COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

Your complainant, Hester Gatling, sheweth unto the Court the following case:

That on the 31st day of December, 1903, your complainant, whose maiden name was Hester Day, was lawfully married in the County of Southampton, in the State of Virginia, to Preston Gatling, as will more fully appear from a certificate of marriage herewith filed, marked "Exhibit A" and prayed to be read as a part of this bill:

That continuously from the date of the said marriage until sometime in the month of February, 1908, your complainant and the said Preston Gatling lived together as husband and wife in Southampton County, Virginia; that the said Preston Gatling has wilfully deserted and abandoned your complainant for a period of more than three years, that is to say, that in the month of February, 1908, the said Preston Gatling, voluntarily, wilfully and without any justification whatever, left his home in Southampton County, Virginia, and your complainant is advised went directly to the State of North Carolina, in which said State your complainant understands the said Preston Gatling now resides; that your complainant ~~ant~~ has never heard directly from him since that date.

Your complainant further sheweth unto the Court that she has resided and has been domiciled in this State ever since the aforesaid marriage, and for more than two years next preceeding the commencement of this suit, and is now domiciled and resides in ^{Locumty} this State; that your complainant last co-habited with the said Preston Gatling in the County of Southampton, State of Virginia.

In tender consideration whereof, and for-as-much as your complainant is remediless in the premises, save in a court of equity, where such matters are alone and properly cognizable, your

complainant prays that the said Preston Gatling may be made a party defendant to this bill, and required to answer the same, not on oath however, same being hereby expressly waived; that proper process may issue; that a divorce from the bonds of matrimony which were created by the aforesaid marriage be decreed her; that your complainant may have all such further and other and general relief in the premises, as the nature of her case may require, or to equity shall seem meet.

And your complainant will ever pray, etc.

HESTER GATLING,

By

Her Attorney.

p. q.

MARRIAGE LICENSE

Virginia, Southampton County to wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of the Commonwealth of Virginia,

Preston Galling
and Heiler Ann Day

Given under my hand, as Clerk of the Circuit Court of Southampton Co. this 30th day of December 1903.
E. A. Gay Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 3, 1900.

Time of Marriage, <u>Dec. 31st - 1903.</u>	Place of Husband's Birth, <u>Northampton Co. N.C.</u>
Place of Marriage, <u>Southampton Co.</u>	Place of Wife's Birth, <u>Southampton " Va.</u>
Full Names of Parties Married, <u>Preston Galling</u>	Place of Husband's Residence, <u>" " "</u>
<u>Ed Heiler Ann Day</u>	Place of Wife's Residence, <u>" " "</u>
Color, <u>Col.</u>	Names of Husband's Parents, <u>George and</u>
Age of Husband, <u>23</u> years	<u>E. L. Galling</u>
Age of Wife, <u>17</u> "	Names of Wife's Parents, <u>Francis Day</u>
Condition of Husband (widowed or single or divorced) <u>Single</u>	Occupation of Husband, <u>Laborer.</u>
Condition of Wife (widowed or single or divorced) <u>"</u>	

Given under my hand this 30th day of December 1903.
E. A. Gay Clerk.

Certificate of Time and Place of Marriage.

I, Sam Freeman, a Minister of the Church, or religious order of that name, do certify that on the 31st day of December 1903, at Francis Day, under authority of the above License, I united in Marriage the persons named and described therein.

Given under my hand this 31st day of December 1903.
Sam Freeman

The Minister celebrating a marriage is required, within two months thereafter, to return the License to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

A copy - Sent: H. B. M. Moore, Clerk.
By: B. M. Hill, S. C.

Gathering
or } Order Published

Gathering

1911 Nov 28 final

+ Issued -

ARCHAEMENT 1911

STRAHAMORE PAR

VIRGINIA:

In the Clerk's Office of the Circuit Court of Southampton County, the 28th day of November, 1911.

Hester Gatling, Pltf.

vs.

Preston Gatling, Deft.

The object of this suit is to obtain absolute divorce, a Vinculo Matrimonii.

And an affidavit having been made and filed that the defendant, Preston Gatling is not a resident of the State of Virginia, it is ordered that he do appear here within fifteen days after due publication hereof and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published for four successive weeks in the Tidewater News, a newspaper published in the Town of Franklin, Southampton County, Virginia, and that a copy be posted at the Front door of the Court House of said County on or before the next succeeding rule day after it is entered.

A copy,

Teste: W. P. McSwain Clerk.

E. Frank Story, p. q.

Gatling, Nestor

— No. 3 Depositions

Gatling, Preston

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

The depositions of Addie Day and Richard Smith, taken before me, the undersigned, Claude J. Edwards, a Commissioner in Chancery for the Circuit Court in and for the County aforesaid, in the State of Virginia, to be read as evidence in a certain suit in equity, now pending in the said Court, generally styled, Gatling vs. Gatling.

Claude J. Edwards

COMMISSIONER IN CHANCERY.

Witness Addie Day, being first duly sworn, deposes and says:

Q. State your name, age, residence, occupation and do you know the parties to this suit.

A. Addie Day, age 36 years, reside near Capron, in Southampton County, Virginia, cook for Mr. Willie Bell in Capron, and I know the parties to the suit.

Q. How long have you known Preston Gatling and Hester Gatling.

A. I have been knowing Hester all her days, and knowed Preston Gatling about ten years before he went away.

Q. Did you know them at the time they lived together as husband and wife.

A. Yes, I knowed them from the time they were first married until he left. They lived around there in calling distance of Capron.

Q. Do you know about how long they lived together as husband and wife.

A. They lived together about five years.

Q. Do they live together now.

A. No they do not.

Q. Do you know why they don't live together.

A. It is because Preston left his wife.

Q. Do you know what made him leave her.

A. No I do not know, I know this, that he used to beat her and

treated her bad before he left her, and he went away and never came back. He lived in North Carolina before they were married, and I understand he went back there.

Q. Did Hester Gatling make him a good wife while they lived together as husband and wife.

A. Yes so far as I know. I think she is a smart girl and done the very best for him she could, and he had no reason for leaving her that I know of.

Q. Can you tell me about the time Preston Gatling deserted his wife.

A. Four years ago this coming February.

Q. Has he ever been back to see her since he left her.

A. No he never has been back.

Q. Where were they living when he deserted her.

A. Near Capron, in this County.

Q. Where is Hester Gatling's home.

A. On Mr. Joe Tom Barham's farm in this County.

Q. And further this deponent saith not.



Witness Richard Smith, being first duly sworn, deposes and says.

Q. State your name, age, residence, occupation and do you know the parties to the suit.

A. Richard Smith, 36 years old, reside in Southampton County, near Capron, farm with Mr. J. T. Barham, and I know the parties to the suit.

Q. Did Preston Gatling and Hester Gatling live together as husband as wife.

A. Yes.

Q. Where did they live.

A. In Southampton County, Virginia, near Capron.

Q. How long did they live together.

A. As near as I can come at it it was about four years.

Q. Did Preston Gatling leave his wife, Hester Gatling.

A. Yes, Preston left her about four uears ago in the winter of 1908.

Q. So far as you know, while they were married did Hester Gatling make him a good wife.

A. Yes so far as I know she did.

Q. Has he ever returned to live with his wife again.

A. No sir.

Q. What kind of a reputation has Hester Gatling.

A. She has a good reputation.

Q. Do you know where he went to when he left his wife, or where he is now.

A. No I do not know, but I understand he want back to North Carolina.

And further this deponent saith not.

Rich Smith

STATE OF VIRGINIA, (
 (to-wit:
 Southampton County, (

I, Claude J. Edwards, a Commissioner in Chancery for the Circuit Court in and for the County aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions of Addie Day and Richard Smith, were this day taken, reduced to writing and signed by the witnesses, respectively, before me, for the purpose designated in the caption hereto.

Given under my hand this 13th day of January, 1912.

Claude J. Edwards

COMMISSIONER IN CHANCERY.

COMMISSIONER'S FEE: \$5.00:

Hester Gatling

VS

Preston Gatling,

I, H. B. McLeMore, Clerk of the Circuit Court of Southampton County, do hereby certify that on the 1st day of December 1911, I, posted at the front door of the Court-house a copy of the order of publication as required in the above styled suit.

H. B. McLeMore
-----Clerk

Gatling, Hester
- No. 3 Certificate of Publisher
Gatling, Preston

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

VIRGINIA:
IN THE CLERK'S OFFICE OF THE
CIRCUIT COURT OF SOUTHAMP-
TON COUNTY, THE 15TH DAY OF
NOVEMBER, 1911.

Hester Gatling, Plaintiff
against
Preston Gatling, Defendant.

The object of this suit is to obtain
absolute divorce, a vinculo matrimonii.

And an affidavit having been made
and filed that the defendant, Preston
Gatling is not a resident of the State of
Virginia, it is ordered that he do appear
here within fifteen days after due pub-
lication hereof and do what may be nec-
essary to protect his interest in this
suit. And it is further ordered that a
copy hereof be published for four suc-
cessive weeks in the Tidewater News,
a newspaper published in the Town of
Franklin, Southampton County, Virgi-
nia, and that a copy be posted at the
front door of the Court House of said
County on or before the next succeed-
ing rule day after it is entered.

A Copy, Teste:

H. B. McLanahan, Clerk.
E. Frank Story, p. q.

I, Paul Scarborough, Editor of The Tidewater News, a weekly newspaper
published in the Town of Franklin, Southampton County, Virginia, do
hereby certify that the Order of Publication as attached above was
published in said newspaper once a week for your (4) successive
weeks in the manner prescribed by law, to-wit in its issues of Dec.
1, 8, 15 and 22nd. 1911.

SIGNED

Paul Scarborough EDITOR

Franklin, Va., Jan 10th, 1912.

Gatlung

vs

AFFIDAVIT FOR ORDER
OF
PUBLICATION

Gatlung

Engel & Sons

p. q.

In the Clerks Office of the Circuit Court of Southampton County.

Nester Gatlins

Plaintiff,

against

Preston Gatlins

Defendant.

This day *Edna Lee* personally appeared
before me *H. P. McSweeney* Clerk of the said Court,
and being duly sworn, made oath that *Preston Gatlins* the

defendant in the said suit *is* not resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this *28* day of *Nov* 19*11*

H. P. McSweeney Clerk

Gathig, Nester

— N. J. Seere

Gathig, Preston

Enter this Jan. 15, 1912.

James M. Moore,

ENTERED - C.O.B.

PAGE - 216 -

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA
BRANCH OFFICE AT FRANKLIN, VIRGINIA

*
* Hester Gatling, *
* *
* vs. *
* *
* Preston Gatling, *
* *

This day this cause, in which the complainant has proceeded against the absent defendant in the mode prescribed by law against non-resident defendants, and he still failing to appear and plead, answer or demur, came on to be heard on the bill of the complainant, exhibits therewith filed, and the depositions of witnesses, notice of the taking of the said depositions not being necessary, this cause having properly matured against the defendant by order of publication, and was argued by counsel:

On consideration whereof, it appearing that the parties last co-habited in this County and that plaintiff is now a resident of the County, it further appearing that defendant wilfully abandoned and deserted the complainant more than three years ago, and they have not co-habited since, the Court doth adjudge, order and decree that the marriage heretofore solemnized between Hester Gatling and Preston Gatling be, and the same is dissolved.

And it appearing to the Court that nothing further remains to be done in this cause, it is ordered that it be removed from the docket.